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Attorneys for DEFENDANTS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WALTER SPURLOCK and ANDRE
GUIBERT,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, AIRPORT COMMISSION OF
THE CITY AND COUNTY OF SAN
FRANCISCO, KEABOKA MOLWANE in his
individual capacity and official capacity as
Aviation Security and Regulatory Compliance
Officer at the San Francisco International
Airport, and JEFF LITTLEFIELD in his
individual capacity and official capacity as
Chief Operating Officer at San Francisco
International Airport,

Defendants.

Case No. 3:23-cv-4429

**DECLARATION OF MOLLY J. ALARCON IN
SUPPORT OF DEFENDANTS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF DEFENDANTS'
MOTION TO DISMISS THE SECOND
AMENDED COMPLAINT**

Hearing Date: May 23, 2024
Time: 2:00 p.m.
Before: Hon. Araceli Martínez-Olguín
Place: 450 Golden Gate Avenue
Courtroom 10
San Francisco, CA 94102

Date Action Filed: August 28, 2023

DECLARATION

I, Molly J. Alarcon, declare as follows:

1. I am an attorney duly licensed to practice law in California, and a Deputy City Attorney for the City and County of San Francisco assigned to represent Defendants the City and County of San Francisco, the Airport Commission of the City and County of San Francisco, Jeff Littlefield, and Keaboka Molwane (collectively, “San Francisco”) in the above-captioned case. I have personal knowledge of the matters stated herein and, if called upon, I could and would testify competently to the contents of this Declaration. I submit this declaration in support of Defendants’ Administrative Motion to File Under Seal Portions of Defendants’ Motion to Dismiss Second Amended Complaint, pursuant to Civil Local Rules 7-11(a) and 79-5(c).

2. Defendants seek to file portions of their Motion to Dismiss the Second Amended Complaint under seal. Defendants plan to file a public redacted version of their Motion and a conditionally sealed, unredacted version.

3. Plaintiffs’ Second Amended Complaint (“SAC”) included an attachment, Exhibit G, TSA-NA-21-01A (the “TSA Guidance”), that Plaintiffs filed under seal. Dkt. No. 43-7 [redacted version]; Dkt. No. 44-5 [unredacted version filed under seal]. The public version of the SAC also included related redactions, and the unredacted SAC was filed under seal. Dkt. No. 43 [redacted version]; Dkt. No. 44-3 [unredacted version].

4. Because the TSA Guidance is designated as “sensitive security information” (“SSI”) by the federal government, San Francisco is prohibited from publicly disclosing it or any part of it. 49 C.F.R. § 1520.5(a), (b)(1), and (b)(2); 49 C.F.R. § 1520.15(a). Additionally, San Francisco does not intend to unseal what Plaintiffs redacted in their SAC, even if it may have been slightly over-inclusive. Therefore, San Francisco is filing its Motion to Dismiss with redactions where San Francisco discusses the TSA Guidance and/or portions of the SAC that Plaintiffs redacted.

5. San Francisco’s request is as narrowly tailored as possible because the federal government made the determination that the TSA Guidance is SSI and because Plaintiffs chose to redact all mentions of the TSA Guidance in their SAC, and San Francisco’s redactions mirror those made by Plaintiffs.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct.

3 Executed this 22nd day of February, 2024 in San Francisco, California.

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